

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-18 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the Amendments and Remarks as set forth hereinbelow.

RESTRICTION REQUIREMENT

The Examiner has proceeded to make his restriction requirement final with respect to claims 17-20. Although not conceding the appropriateness of the Examiner's restriction requirement, but merely to advance the prosecution of the present application, claims 19 and 20 have been cancelled. Claim 17 has been amended to depend from claim 1. Claim 18 has been amended to depend from claim 11. It is respectfully submitted that by amended claims 17 and 18 to depend from claims that were properly elected, that the Examiner's restriction requirement has been overcome. The Examiner is respectfully requested to act on claims 1-18 in his next Office Action.

ALLOWABLE SUBJECT MATTER

It is gratefully acknowledged that the Examiner considers the subject matter of claims 3, 13 and 15 as being allowable if rewritten in independent form. As the Examiner will note, the claims have been amended to define patentable subject matter over the prior art cited by the Examiner. Claims 3, 13 and 15 have not been rewritten in independent form at this time. It is respectfully submitted that claims 1-18 are in condition for allowance in view of the amendments to the claims. Applicants reserve the right to present claims 3, 13 and 15 in independent form at a later date.

CLAIM FOR PRIORITY

It is gratefully acknowledged that the Examiner has recognized the Applicant's claim for foreign priority. In view of the fact that the Applicant's claim for foreign priority has been perfected, no additional action is required from the Applicants at this time.

DRAWINGS

The Examiner has not approved the Formal Drawings submitted by the Applicants. It is respectfully submitted that the drawings comply with the requirements of the USPTO. If the Examiner has any objections to the Formal Drawings he is respectfully requested to contact the undersigned as soon as possible so that appropriate action may be taken. No further action is believed to be necessary at this time unless the undersigned receives a notice from the Official Draftsperson.

ACKNOWLEDGEMENT OF INFORMATION DISCLOSURE STATEMENT

The Examiner has acknowledged the Information Disclosure Statement filed on April 20, 2001. An initialed copy of the PTO-1449 has been received from the Examiner. No further action is necessary at this time.

REJECTION UNDER 35 USC 102

Claims 1, 2, 4, 5 and 7-9 stand rejected under 35 USC 102 as being anticipated by Harmsen, US 5,654,017. Claims 11, 12, and 16 stand rejected under 35 USC 102 as being anticipated by Miyajima, US 5,891,483. These rejections are respectfully traversed.

At the outset, claims 1, 3, 11, 12, 17 and 18 have been amended to set forth a combination of elements that are not anticipated by the prior art relied on by the Examiner. As set forth in Section 2131 of the MPEP Original Eight Edition, August 2001 Latest Revision February, 2003, page 2100-70:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. V. Union Oil Co. Of California, 814 F2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).... “The identical invention must be shown in as complete detail as is contained in the ... claims.” Richardson v. Suzuki Motor Co., 868 F2d 1226, 1236, 9 USQP2d 1913, 1920 (Fed. Cir. 1989).

The Harmsen patent is directed to a loader and unloader that are mounted on a carrier that integrally moves on a common rail section. When the loader goes to a feeding unit to collect a work piece, the movement of the unloader is prohibited. When the unloader goes to a product accommodating unit to accommodate a molded product, the movement of the loader is prohibited.

The Miyajima patent is directed to a release film that can be vertically moved away from a clamping face of a press unit. However, the Miyajima patent does not disclose nor suggest a mechanism for exchanging the release film.

In contradistinction to the prior art cited by the Examiner, the present invention is directed to a resin molding machine wherein a combination of elements are provided having an additional rail unit as a rail section in which the loader and the unloader move. The loader moves on a common rail section between the work piece feeding unit and the additional rail unit having the press unit. The unloader moves on the common rail section between the additional rail unit having the press unit and the product accommodating unit having a degating section.

In addition, the present invention, claims 11, 12 and 13 set forth a combination of elements wherein the film feeding section or the film collecting section is moved away from the press unit so as to exchange the release film. The film feeding section or the film collecting section can be drawn from or pivoted with respect to the press unit so that the release film can be easily exchanged.

It is respectfully submitted that the prior art cited by the Examiner does not set forth each and every element as defined in the claims. Thus, the Examiner's rejection based on 35 USC 102 has been obviated.

REJECTION UNDER 35 USC 103

Claim 6 stands rejected under 35 USC 103 as being unpatentable over Harmsen, US 5,654,017 in view of Miyajima, US 5,891,483. Claim 10 stands rejected under 35 USC 103 as being unpatentable over Harmsen, US 5,654,017 in view of Desmond et al, US 3,797,103. These rejections are respectfully traversed.

It is respectfully pointed out that independent claim 1 clearly defines patentable subject matter over the prior art cited by the Examiner. Since claims 6 and 10 depend from and further restrict the claims from which then depend, claims 6 and 10 define patentable subject matter over the combination of references relied on by the Examiner in his rejection based on 35 USC 103.

NO PROSECUTION HISTORY ESTOPPEL

The claims have been amended to clarify the language in the claims. No prosecution history estoppel would apply to the interpretation of the limitations set forth in claims in view of

the fact that this subject matter has been continuously presented since the original filing date of the present application.

CONCLUSION

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination.

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.

In view of the above amendments and remarks, reconsideration of the rejections and allowance of all of the claims are respectfully requested.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (703) 205-8000 in the Washington, D.C. area.

A prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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